S
353.978
1941
Gim

STATE DOCUMENTS
MONTANA
STATE LAW LIBRARY

MESSAGE

OF

GOVERNOR SAM C. FORD

TO THE

Twenty-seventh Legislative Assembly

OF THE

STATE OF MONTANA

1941

Montana State Library
3 0864 1004 9020 3

MESSAGE

OF

GOVERNOR SAM C. FORD

TO THE

Twenty-seventh Legislative Assembly

OF THE

STATE OF MONTANA

1941

STATE PUBLISHING CO., HELENA, MONT.

GOVERNOR'S MESSAGE

Mr. President, Mr. Speaker and Members of the Twenty-Seventh Legislative Assembly:

The Constitution provides that at the beginning of each session, the Governor shall, by message, inform the Legislative Assembly on the condition of the State and recommend such measures as he shall deem required. With genuine pleasure, I perform that duty.

That which has procured our presence here today is more than scantily significant—more than a perfunctory compliance with the basic law through which this Assembly of the people's representatives has come into being and through which the Chief Executive is directed to apprise you on matters pertinent to the labors about to begin. Inherently, this assemblage is a reassertion of the right of the people to govern themselves. When in so many lands today free government is in chains, we in America must be the more diligent to sustain liberty. If we do our full duty, and do it unafraid, free government tomorrow will be secure because of the functioning of free government today.

I can commend nothing more earnestly than that we cling to the fundamental principle wherein our government has checks and balances. Neither precedent nor expediency justifies any one of the co-ordinate branches of our government overreaching the constitutional restraints that circumscribe it, nor ought we to countenance usurpation or invasion by any officer or department of powers within the province of another. Where, through statute or otherwise, practice has gone oblique of this principle I urge you to set it right.

Chapter 5, laws of the Twenty-fifth Assembly, known as the "Hitler Bill," empowers the Governor to hire and discharge all State employees, except those in elective offices. In my opinion this law is dangerous, in that it places too much power in the hands of one man. I strongly urge its repeal and the enactment of suitable laws providing for the appointment of employees.

Under Section 2 of Article VI of the Constitution, the Legislature must at this session reapportion the membership of the House of Representatives on a ratio to be fixed by law and based on the 1940 Federal census. The ratio is for your determination, but the duty to establish such a ratio and bring about a reapportion-

ment is a positive one. Disparities in representation should be corrected.

Constitutional prohibition against appropriating more than the anticipated revenue demands a paring of requests to fit the income that can prudently be expected. From the budget, which will be submitted to you, it appears that requests for appropriations by officers, boards, departments and State institutions and approved by the State Budget Commission exceed the anticipated resources for the fiscal year of 1941-42 by $311,676.46 and that of 1942-43 by $269,036.26. Obviously, appropriations must be substantially reduced below requests.

I am convinced that if our income is frugally used and carefully administered, our revenues will adequately provide for the proper functioning of State affairs, without additional or new taxes.

In view of the efforts made by Montana to protect motorists and pedestrians, the record of fatalities, accidents and property loss is lamentable. It is my sincere hope that adequate legislation will be enacted to correct, so far as possible, this condition. It is my firm conviction that enactment and strict enforcement of a uniform drivers' license law, requiring examination for new drivers only, will minimize the toll now exacted by highway accidents.

Experience during the last four years has demonstrated many weaknesses in our liquor control laws. The recent campaign provides ample proof for the conclusion that the liquor business has no place in politics, and that the administration of our liquor laws must be divorced from politics and political corruption. I concur in a statement made by an administrative officer who said:

"Liquor and politics, fermented in the same vat, have always produced corruption and always will."

I sincerely hope that our liquor laws may receive your earnest and careful consideration so that present defects and abuses may be cured.

One of our most serious and important problems, and one which demands and merits your most earnest consideration, is the future of our highway system.

Some months ago the State was notified that Federal grants for assistance in highway construction in this and other States would be reduced 25 per cent for the biennium 1941-42. Additionally we are advised that the government is laying plans for the construction of defense highways throughout the Nation. It is proposed that in the building of such roads the State pay the same pro-

portion as under the present system. Should such a plan be carried out, the completion of our present system and the maintenance of existing roads will be gravely affected.

It is apparent that reconstruction and maintenance costs will mount during the coming years, while no substantial gain in revenues may be anticipated. Obviously, then, it is imperative that we shape our course so that we may make the most of the money available.

I advise that a thorough and impartial study of past, present and future construction, maintenance and financing be made so that appropriate legislation may be enacted to provide for a long term highway program.

For the past six years the State, with substantial assistance from the Federal Government, has carried on an extensive water conservation program. Many projects have been completed. The utility of some projects is questionable, and while others are reported completed, it will require considerable money before they can be brought to a high degree of efficiency.

On November 15, 1940, Major E. W. Ritchie, who had been in charge of the Public Works Administration activities on these projects, was recalled by the Federal Government and the State informed that further grants in aid for construction would not be made by the government.

We must continue this important work but it is obvious that further development must be of small projects, those which can be financed by the landowners with such assistance from the State as our finances will permit.

May I suggest that a thorough investigation of the Water Conservation Board and its activities be made in order that you may intelligently determine the future policy of that board.

I urge that the State continue the policy of co-operating with the Federal Government in the construction of Rural Electrification Projects.

Taxation is always a vexing problem. Perhaps for a long time to come the only relief we can expect from it will be through reducing expenditures where that can be done. Ability to pay and equality should be the watchwords of taxation. Demands for new levies and novel methods of raising revenue should be critically scrutinized.

Because of national defense, the government of the United States must, of necessity, put new burdens of taxation on our people. If we be cognizant of the load they already carry and the economic

collapse that will come to many of them if the burden is made heavier, we cannot in conscience burden them further with additional levies by the State or under the State's authority.

In a determination of anticipated income, two factors must be considered: (1) Every increase in Federal taxes will very materially reduce state income (2) Termination of the present war will adversely affect many of our industries with a consequent shrinking of our revenues. These facts, in my opinion, must be constantly in mind in the examination, not alone of proposed taxes, but also as pertinent to all phases of our economic system. We must reckon with the cadence of the times.

Hence, any policy that contemplates the realities of this situation must impel us to the most stringent economy in state and local government, and we must intercept tendencies that contradict the urgency for retrenchment. I believe our government need be no less efficient, no less a servant of the general people, because of thrifty operation that circumstance demands.

Substantial changes in our economic structure since our law for the classification of property for taxation was enacted in 1919, make it advisable, in my judgment, to amend this law to meet these altered conditions and to provide a more equitable distribution of the tax burden.

Through no fault of their own, many of our farmers and small home owners have been unable to pay the taxes levied against their property. I recommend the reenactment of the law which allowed the redemption of tax delinquent property without the payment of penalty and interest for a period of two years. Such a law will prove beneficial to the State and local governments and in many cases will save the farm or home.

I also recommend the re-enactment of Chapter 124, Session Laws of 1939, relating to the granting relief from mortgage foreclosure and from execution sale of real estate so as to extend the provisions until March 1, 1943.

It is a recognized duty of the State and Nation adequately to protect the welfare of children, widows, the aged and blind.

Our laws relating to this subject should be amended and liberalized so that the unfortunate people may receive an amount of assistance sufficient to take care of their essential needs.

The statutes bearing on the State Fish and Game Commission, regulations and the establishment of game preserves and the like, present today a vivid picture of what is wrong from the standpoint of careful and intelligent legislation. For instance, Section 3653,

Revised Codes of Montana of 1935, delegates broad powers to the commission without any suggestion of restraint or boundary, and then this striking provision:

"The statutes now governing such subjects shall continue in full force and effect, except as altered or modified by rules and regulations promulgated by the commission."

As it stands, the Legislature sets up an autocracy with power to legislate and override the laws of the State adopted by the Legislature.

Further, while the sportsmen of the State contribute all of the funds used by the department, they have little or no voice in the management or conduct of the department.

In the light of these facts there is little wonder that the administration of the Fish and Game Department has fallen into disrepute and that the public interests have suffered. The laws I have mentioned should be rewritten, to the end that our Fish and Game laws may be administered more nearly for the general good.

Administration of our institutions of higher learning must be such as to inspire confidence and respect. If the administration of any of them provokes widespread dissent, there is danger to all of them; they must be free of all forms of political control. I urge a thorough study of the entire field and enactment of laws that will afford a better and more comprehensive method of administration, and at the same time prevent the Greater University of Montana from becoming involved in any political activity.

Under Constitutional provision the State Board of Education, composed of three state officers as members ex-officio and eight appointive members, has control and supervision of the university system. Experience has demonstrated the utter failure of this method and in practice has resulted in a one man board. The Governor, Attorney General and Superintendent of Public Instruction, the ex-officio members, are necessarily so occupied with the duties of their offices that seldom are they able to give the required time to affairs of several institutions under their control. The appointive members likewise have but little opportunity to fortify their actions with adequate information.

I hope the Assembly will examine the situation and determine upon a course consistent with our needs and experience by reframing the law relative to the appointment of the members of the Board of Education and the law under which it works so as to produce a higher degree of efficiency and supervision.

May I direct your attention to the great increase in offices, departments and employees during the past several years, and resulting therefrom, an alarming growth in the cost of our government. With this has come needless and expensive duplication of service.

There is a pressing need for the reorganization of our entire State business structure, involving consolidation of offices, boards, departments, and particularly functions of government; the elimination of duplications; better co-ordination and strengthening of administrative responsibility. If we have the will and courage for it, retrenchment can be had without impairing any essential governmental function.

An intelligent reorganization cannot be accomplished without a thorough study and survey on which to base definite legislative action. I, therefore, recommend the enactment of suitable legislation, with adequate appropriation, authorizing the Governor to employ experts and specialists in State reorganization to undertake a study and make report and recommendations to the next Legislative Assembly.

I likewise urge the appointment of a joint special committee to determine what, if any, changes may be made by this body to procure an immediate saving.

There has been widespread and very sincere and vigorous criticism of the so called "Spoils System" as applied to the employees of this State.

Many responsible people have charged that there have been numerous instances where the State's money has been wasted on incompetent employees, and instances where inferior applicants with political support have been appointed in preference to superior applicants who had little or no political influence.

I believe that we ought to guarantee to all citizens of this State a fair and equal opportunity for public service, irrespective of religious or political considerations.

Therefore, I recommend that you establish for the State of Montana a system of personnel administration based on merit principles and scientific methods, governing the appointment, promotion, transfer, removal and discipline of its officers and employees.

The situation in this State has reached the point where we, as administrators and legislators, must give to the people of the State a real honest system of personnel administration, based on merit alone, or admit openly that we approve of the scandalous tactics of the so called "Spoils System" and political machines.

By the enactment of a law authorizing the State Board of Examiners to refund outstanding bond issues, a considerable saving in interest will be effected. I recommend such legislation so that the State may take advantage of a favorable money market.

Under existing laws more than $400,000 is carried in the interest and sinking fund for the payment of outstanding refunding bonds of general fund warrants. There is set aside from the general fund approximately $350,000 each year, which is held for the next fiscal year and 30 days thereafter. Authority should be granted to invest part of this fund—interest received—and thus reduce the amount required to be paid from the general fund.

Under the law all monies belonging to the Public School fund and to the other permanent funds of the educational, charitable and penal institutions of the State and all permanent funds subject to the provisions of Article XXI of the Constitution may be invested in the securities enumerated in Section 1805.98, Revised Codes of Montana, 1935. At the present time there are no general fund warrants drawing interest and we are from time to time retiring State bonds. As the financial conditions of the counties, cities, and school districts improve the opportunity for investment will diminish. The law should be amended so that these funds may be invested in Revenue Bonds of the State which may be issued pursuant to law.

Over a long period the practice has grown up of placing monies received by the various departments and boards in fees and licenses in a special fund for the use of a particular board, department or institution. In my opinion, such a practice breeds wastefulness and inefficiency and violates the spirit if not the letter of Section 10, Article XII, of the Constitution, which provides that "all taxes levied for State purposes shall be paid into the State Treasury and no money shall be drawn from the treasury but in pursuance of specific appropriations made by law."

This field should be thoroughly explored and a law enacted providing that all taxes, including fees, licenses, and trust funds, shall be paid into the State Treasury and drawn therefrom pursuant of specific appropriations.

The national defense emergency is being urged in some quarters as a pretext for depriving labor of fundamental rights it has won in our laws and a lessening of the economic protection that labor enjoys. The right of labor to bargain collectively without interference or coercion must be preserved.

One of the problems that has long confronted us is the occupational disease, silicosis, caused by inhaling silica dust. The prob-

lem would appear to be national in scope and a solution can only be found in cooperation between the Federal Government and the mining states. A bill for this purpose was passed by the Twenty-sixth Legislative Assembly but vetoed. I hope that a similar measure will be enacted at this session.

Montana should raise her voice against National policies and trade conditions that militate against our agriculture. Of the high premium wheat which Montana produces, there has never been a surplus, yet our acreage allotment is based upon an excess of wheat and our farmers must sell on a surplus market at a price lower than the quality of the wheat justifies. The loss is a serious one to the farmers of this state and cannot but have an unfavorable influence on general business in Montana.

The sugar beet industry is in its infancy in this state. Montana has some of the best sugar beet land in the nation, yet discriminatory acreage allotments place us on the same basis as states where the industry is fully developed. Because of this condition the prosperity that would accrue to the State from an increasingly important crop is retarded.

I ask you to take such action as the facts justify.

There is great dissatisfaction through the State relating to the control of the purchase of elementary text books for use in our public schools.

The law relating to the transportation of pupils by school districts is uncertain and unintelligible and has resulted in the misapplication of school funds.

These questions are of grave concern and vitally affect our public school system and should receive your earnest and careful consideration.

Under existing law it is unlawful for any contractor to engage in the business, or act in the capacity of public contractor within the State without having a license therefor.

This law, in many instances, has worked to the great disadvantage of the school districts. Free and open bidding is desirable in all public works.

I recommend that this law be amended so that a license may be procured before work under a contract begins.

At the last election Referendum No. 43, authorizing the State to become indebted in the sum of $500,000 in excess of the constitutional limitation of indebtedness for buildings and improvements

at the State Hospital for the Insane at Warm Springs, was approved by the electors. The act is not self-executing and legislation is necessary to carry out its provisions. I urge that such legislation be expedited so these improvements may be made with as little delay as possible.

We have a task to do—those of us gathered here and every citizen of this great commonwealth. Those of us assembled here to carry out the delegated responsibilities of self-government have a duty that reaches to every fireside in Montana. That duty is to speak and to act for the man at the plow, the worker in mine or shop or factory, and the business man and industrialist as well; for the mothers, fathers and children, the orphans, the aged and the unfortunate. A duty to all of them, so that a State mighty in resources, large in hope and by nature and the providence of God destined to a glorious future may fulfill that promise—that is the duty we have sworn to do. I am confident that all of us, with zeal and devotion, will strive to do that duty.

The problems that have shaped our mandates command our deepest contemplation. We should plumb the needs of the State and so far as we can, ransom the people from the difficulties that hold them captive to conditions from which they, unaided, cannot escape.

We cannot be so foolish as to assume that any law that may be enacted here, or any function of the executive, will do what only an act of God can accomplish. But we can by example bolster the sore need for confidence in government and in those entrusted with government. If we work diligently and in good conscience, if the laws we make have the savor of right and the leaven of justice, if throughout our labors the people of Montana are more secure and happier, free government will be stronger because of us.

If there is to be confidence in us, then there must be good government. Those who enter the temple of government to corrupt it must be driven out. The architects of our commonwealth as we hope to build it for the generation to come must have vision and integrity. In carving out her future, Montana wants sculptors, not chiselers.

If you as the makers of the laws, the courts as the interpreters of them and I as the Chief Officer charged with their administration, bend devotedly to the task, mindful that we should serve, not as Democrats or Republicans, but as agents of all the people, the general welfare will be advanced and we shall have the reward of work well done.

Each function of government in its own sphere ought to hew to the line. Each should be as thrifty as possible with the public purse. The Executive Department should pare out the decay of waste and duplicating activities. And I cannot but believe that the Legislative Department might well reduce the cost of its operations. Our 1939 Legislature cost $367 per 1000 of population, with one exception, the most expensive of the twelve western states. It is necessary that we practice the most rigid economy. May I be bold enough to suggest that this assembly hold expenditures to the lowest possible figure, thereby setting an example for other departments.

So that business may be expedited and important measures not be rushed through or rejected in the closing days of the session without proper consideration, I suggest that bills be introduced as early as possible, that committees be not tardy in their work and that this session set an example for the orderly and careful dispatch of business and by refraining from partisan politics.

I hope, and I believe you all join with me in the hope, that the 60 days of this session may be marked by harmonious relations between the Houses of the Assembly and between the Assembly and the Executive Department. When politics is the motive of action, when strife dethrones peace or when discord is master, the people of Montana suffer and government suffers.

Let us all take up the labors before us so that in the end we may merit the words: "Well done, good and faithful servant."